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OFFICE OF PETITIONS

In re Application of  
Doi, et al.  
Application No. 10/803,976  
Filed: March 19, 2004  
Attorney Docket No. Q80612

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ON PETITION

This is a decision on the papers styled, "Petition To Correct Filing Date Under 37 CFR 1.53 and 37 CFR 1.182," filed September 14, 2004, which has been treated as a petition under 37 CFR 1.53, requesting that the above-identified application be accorded a filing date of March 19, 2004, including forty-nine (49) pages of specification and one (1) page of abstract.

The application was submitted on March 19, 2004. However, on June 4, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice Of Incomplete Nonprovisional Application" that stated the application had not been accorded a filing date, and that the specification is missing.

In response, on September 14, 2004, the present petition was filed wherein petitioner argues that forty-nine (49) pages of specification and one (1) page of abstract were filed on March 19, 2004. The papers were accompanied by a copy of applicant's postcard receipt that acknowledges receipt of "# Pgs Spec/Abst 49/1" on March 19, 2004. A review of the application file indicates the presence of zero (0) pages of specification and abstract deposited on March 19, 2004. It is assumed that missing specification and abstract were misplaced by the Office.

In view of the above, the petition is granted.

The \$130.00 petition fee will be refunded to deposit account no. 19-4880.

This application will be returned to OIPE for further processing with a filing date of March 19, 2004, using the forty-nine (49) pages of specification and one (1) page of abstract, supplied on April 19, 2004.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3228.

A handwritten signature in black ink, appearing to read 'Edward J. Tannouse', followed by a horizontal line.

Edward J. Tannouse  
Petitions Attorney  
Office of Petitions  
United States Patent and Trademark Office